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**MAILED**

**FEB 13 2009**

In re Application of  
Thomas Andrew Strasser et al.  
Application No. 10/099,891  
Filed: March 15, 2002  
Attorney Docket No. PH01-00-04b

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 9, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 10, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$770, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 2613 for appropriate action by the Examiner in the normal course of business on the reply received.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



Docket: PH01-00-04B  
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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**Declaration and Power of Attorney For Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR PROVIDING GAIN EQUALIZATION TO AN OPTICAL SIGNAL IN AN OPTICAL COMMUNICATIONS SYSTEM  
the specification of which

☐ is attached hereto.

☒ was filed on March 15, 2002 as

Application Serial No.: 10/09,891  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me that is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed:

NONE

I hereby claim the benefit under Title 35, United States Code, 119 (e) of any United States provisional application(s):

60/276,310 filed March 16, 2001

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NONE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and or agents(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith, and all business related to non-United States national, regional, and international patent applications corresponding therewith.

Stuart H. Mayer, Esq.	(Reg. No. 35,277)
Karin L. Williams, Esq.	(Reg. No. 36,721)
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James Prizant, Esq.	(Reg. No. 34,067)

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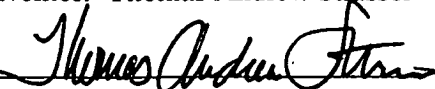
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SIGNATURE PAGE

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1. Full name of first inventor: Thomas Andrew Strasser

Inventor's signature

 Date 4/10/2002

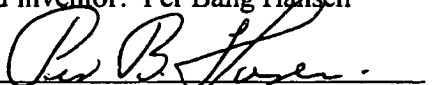
Residence: Warren, New Jersey

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2. Full name of second inventor: Per Bang Hansen

Inventor's signature

 Date 4/10/02

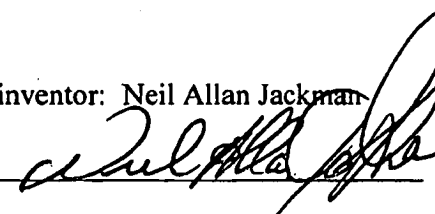
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3. Full name of third inventor: Neil Allan Jackman

Inventor's signature

 Date 4/10/02

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4. Full name of fourth inventor: Andrew John Stentz

Inventor's signature Andrew John Stentz Date 4/11/2002

Residence: Clinton, New Jersey

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5. Full name of fifth inventor: Jefferson L. Wagener

Inventor's signature Jeff L. Wagener Date 4/9/2002

Residence: New Hope, Pennsylvania

Citizenship: United States

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